

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

NELSON ROUETTE and JAY NEARIS,

Plaintiffs and
Counterclaim Defendants,

vs.

MACHINE & ELECTRICAL
CONSULTANTS, INC., FABIAN DUBE,
and NORM CREPEAU,

Defendants and
Counterclaim Plaintiffs

MACHINE & ELECTRICAL
CONSULTANTS, INC.

Third-Party Plaintiff

vs.

QUALITY MACHINE SOLUTIONS,
INC.

Third-Party Defendant

04 11534 WGY

Civil Action No.

MAGISTRATE JUDGE Bowler

RECEIPT # 57103
AMOUNT \$ 150
SUMMONS ISSUED NIA
LOCAL RULE 4.1 +
WAIVER FORM +
MCF ISSUED +
BY DPTY CLK FORM +
DATE 11/9/04

DEFENDANTS' NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §1446(d) and §1332, Defendants hereby give notice of the removal of the above-captioned action from the Superior Court, Hampden County, Massachusetts. As grounds for removal, Defendants state the following:

1. Plaintiffs filed a Complaint in Hampden County Superior Court, Massachusetts (Superior Court Civil Action No. CV-04-556), and served the defendants with a Summons and copy of the Complaint on June 11, 2004. Copies of the Summons and Complaint are attached Exhibit 1.

2. Plaintiffs also served Defendant Machine & Electrical Consultants, Inc. with a Motion for Attachment on Trustee Process on June 11, 2004. A copy of the Motion for Attachment on Trustee Process is attached as Exhibit 2. A hearing on Plaintiffs' Motion was scheduled in the Hampden County Superior Court on July 13, 2004.

3. Plaintiffs served interrogatories and document requests on the defendants on June 22, 2004.

4. Other than the pleadings identified above, no other pleading, process or order has been served upon the defendants in this action.

5. There is complete diversity of citizenship between the parties. Plaintiffs and Counterclaim Defendants are Massachusetts residents.

6. Defendant and Counterclaim and Third-Party Plaintiff MECI is incorporated in Maine and maintains its principal place of business in Maine.

7. Defendants Fabian Dube and Norman Crepeau are residents of Maine.

8. Third-Party Defendant Quality Machine Solutions, Inc. is a Massachusetts corporation with a principal place of business in Massachusetts.

9. The amount in controversy in this action, upon information and belief, exceeds the sum of \$75,000.00, exclusive of interest and costs.

10. Pursuant to 28 U.S.C. § 1446(d), Defendants' counsel is filing a copy of this Notice of Removal with the Hampden County Superior Court, Massachusetts, and is sending a copy of the Notice of Removal to plaintiffs' counsel.

11. Defendants have requested and will file separately a certified copy of the record in this case for the Hampden County Superior Court in compliance with Local Rule 81.1.

WHEREFORE, Defendants respectfully request that the action now pending in Hampden County Superior Court, Massachusetts be removed to the United States District Court, District of Massachusetts.

DATED: July 8, 2004.

Respectfully submitted,

MACHINE & ELECTRICAL
CONSULTANTS, INC., FABIAN DUBE,
and NORM CREPEAU,

by their attorneys,

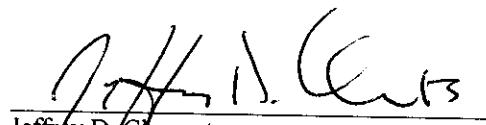

Jeffrey D. Clements, BBO #632544
Clements & Clements LLP
50 Federal Street
Boston, MA 02110
(617) 451-1802

COUNSEL:

Keith R. Jacques
Smith Elliot Smith & Garmey, P.A.
199 Main Street
P.O. Box 1179
Saco, ME 04072

CERTIFICATE OF SERVICE

I, Jeffrey D. Clements, hereby certify that a copy of the foregoing document was served by overnight mail to counsel of record for the plaintiff on July 8, 2004.


Jeffrey D. Clements